

REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF
NEW HARTFORD, HELD AT THE MUNICIPAL BUILDING,
8635 CLINTON STREET, NEW HARTFORD, NEW YORK, ON
WEDNESDAY, April 29, 2020, AT 6:00 P.M.

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Town Supervisor Anthony Trevisani
Highway Superintendent Richard Sherman
Director of Personnel Barbara Schwenzfeier
Police Chief Michael S. Inserra
Town Attorney Herbert Cully

Thereafter a quorum was declared present for the transaction of business.

Town Attorney Cully stated the Town Board was abiding by the State Law Mandates presented by Governor Cuomo of no more than 10 people in attendance at all meetings and the Towns doors have been closed to the public due to all the mandates however the Town will proceed with regular business:

I. Highway Superintendent Richard Sherman

- a. Mowing Agreement with the County – Same as last year

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 119 OF 2020)

RESOLVED, the Town of New Hartford Town Board does hereby approve the Mowing Agreement with Oneida County.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye

Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- b. Road Striping Agreement w/County – that one is not ready yet, probably do in May
- c. MS4 Report – Annual Report will be posted online. A copy will also be in Gail’s office and at the Highway Garage. Every year we keep track of what we do out there. Catch Basin cleaning, street sweeping. I don’t believe we had any overflows with sewers. Just an annual report we do every year.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 120 OF 2020)

RESOLVED, the Town of New Hartford Town Board does hereby approve the MS4 Report.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa - Aye
Councilman Lenart - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

II. Consideration of Matter Submitted by Town Board Members

A. Councilman Messa – Sauquoit Creek Basin Commission – did we end up joining that and sending a check and so forth?; Supervisor Miscione – Yes, we are in. We started back in last year (2019). We are in for 2019 and 2020.; Councilman Messa – I know when I met with Kristen Campo, she was saying, they would help with the Sauquoit Creek, maybe from Elm Street to Hand Place. Maybe with some different grants or surveys – anything we can do with the basin.; Supervisor Miscione – Rick and I actually went to a few of the meetings and Rick was working along with them on that project until all this happened with the Coronavirus. There is grant money that was eligible for that, that was supposed to be on the project design that the state actually did. So we would have to had submitted something for that.; Highway Superintendent Richard Sherman –

Is this to do with Chadwicks?; Councilman Messa – Yes; Highway Superintendent Richard Sherman – The instructions were given to them to go through NRCS which was the grant money that we got to use from the bridge down, a couple hundred feet. They designed it, they brought the bid, they hired a contractor, they paid for the grant to have it done. I believe on other time we brought this up to the Board, that we have to oversee it and once they do the repair, if we don't...I never got a decision back on that part of it. That part of the project is on their list along with the Williams Tool on Elm Street. Along with the Newell Project on Bleachery Ave.; Supervisor Miscione – Also including in that, is doing a retention are in the Washington Mills Athletic Park. So, this was all part of that big plan, the state plan that came out and we hired Dunn and Skirmo to go in and tackle the area that were not done in that plan. We're just waiting for them to come back with the results from that. Once we get that information, then we'll be able to apply for these grants that are there. That's being put on hold because he's not being able to go out and finish up. They were almost done as of last month. The plan that we paid for that we're giving to the State, that's one grant that we can get to fix that kind of stuff. What Rick is talking about is on private property, that one there, I don't know how we want to tackle this one – on private property and that would be a grant a person would go out themselves and obtain and then they would bring back and then we, the Town of New Hartford, has to sponsor it.; Highway Superintendent Richard Sherman – Then again, once we sponsor it, then we own it, any repairs, anything that has to be done there is the Town's responsibility.

B. Councilman Messa - Time frame on the Sandbar by Hand Place by Josh Michele's house; Highway Superintendent Richard Sherman – We have the excavators out. We have to cleaned the pond. We just cleaned four bays yesterday because of the storms coming this Friday. We're checking all other ponds that need cleaning at this point and I think that has priority over a sandbar at this point. So probably two or three weeks.; Supervisor Miscione – This is the project Rick was talking about behind the old school, that got washed out. This has been an on-going problem. This didn't just happen, this has been going on for years now and it getting worse.; Highway Superintendent Richard Sherman – I believe Town Attorney Herbert Cully is on this also.; Town Attorney Herbert Cully – The position they are taking is, that some of the work that was done upstream may have caused additional problems.; Highway Superintendent Richard Sherman – and that was totally out of our hands, that was on NRCS. At the time they put the wall in, I asked them to extend it down, that's when the school owned it, they wouldn't do it, said No.; Supervisor Miscione – Hopefully once things get back to normal, we can take care of at least the other project we started working on in Chadwicks. Rick, where should we go with this project, just because we are getting texted, feedback from this project. At this point, where do we go with this? Something we want to entertain, something that is on the owners to take care of it? It's on private property. It was a building that was purchased with the ongoing issue. Now again, it has gotten worse.; Town Attorney Herbert Cully – it's a school (Word of Life Church); Supervisor

Miscione – Again, I don't want to answer any questions when people call me on this, its private property.; Highway Superintendent Richard Sherman – Once I was told about a law suit, I stopped talking to everybody. Again, she was given to NRCS name and number where to go and apply for the grant.; Town Attorney Herbert Cully – Their attorney was under a time limit to file a Notice of Claim of 90 days. The Attorney filed a Notice of Claim and served it on me and indicated that he was just doing it's as a protective move and that they did not intend to sue the Town. They wanted to seek our assistance and work with us.; Supervisor Miscione – I think they are looking for engineer reports and we don't have an engineer on staff or in our budget. Developers are the ones who pay for the engineer cost. SO that's where we are right now.; Town Attorney Herbert Cully – They thought we were going to go in and create some kind of structure to alleviate the erosion because it's a road into their building, the creek is. Their position is, we did upstream work which may have accelerated the flow of the water, which may have increased the erosion.; Councilman Reynolds – Rick's point is, they need to go through this other organization to establish funds.; Highway Superintendent Richard Sherman – That organization is the one who did the repair upstream. She has FOIL everything I had on the project which was given to her.; Town Attorney Herbert Cully – More than happy to call her attorney and indicate that we've discussed it and its really important to pursue that avenue.

C. Councilman Woodland – Appoint Senior Center Coordinator – Carrie Dugert – appoint her provisionally the Senior Citizen Center Coordinator effective 4/28 at the same rate of pay. Does that sound right?; Supervisor Miscione – Barb called Civil Service, she had the qualifications to apply for this title. When the test comes out, she will be able to take the test and then she will be full time at that rate of \$14 (close to it – Barb will get the information). Once the Senior Center re-opens, she will be full time. Right now, she is working the low 30 hours a week range but will be full time at 35 hours a week and the money is in the budget. She has her own benefits. If she wants them when it open, its NYS Law she can get them. It is in our budget. Her title is only changing when the Center opens. Only reason she is doing this so she can take the test. It was brought up so I only did it because it was proper. Barb will put it in to get it approved, she has to still take test.; Town Attorney Herbert Cully – Barb, if we appoint her provisional at some point down the road, she has a period of six months to take the test?; Director of Personnel Barbara Schwenzfeier – Yes, six months to a year until the test comes up.; Town Attorney Herbert Cully – so she can stay as a provisional employee during that period of time.; Supervisor Miscione – So she would come back as Meal Site Manager but she can still put the Ads and stuff that she put in the Crier even now – Civil Service Wise?; Director of Personnel Barbara Schwenzfeier – Originally you had done Meal Site Manager to see how things were going to work out, if she could handle it, if the Board was happy with her, if she was happy with the position and then we were going to try to move forward with it. That is why I sent it to the County to find out if she qualified and they said from April 28th on we can appoint her as provisional Senior Citizen Center

Coordinator.; Councilman Reynolds – Let’s just hold off, table it.; Supervisor Miscione – That’s fine. At least it is there, at least we know she passed the qualifications because we don’t want somebody there who couldn’t pass the qualifications for Coordinator.

III. Consideration of Matters Submitted by Town Supervisor/Highway Superintendent Richard Sherman and more from the Councilmen

- A. **Need to approve the Bid for Lawn Mowing Maintenance** (Supervisor Miscione) – get reimburse from the County for – Town Attorney Herbert Cully – This isn’t the thing were people haven’t mowed their lawn?; Supervisor Miscione – Right, it is. We get reimbursed by the County. Not for the demo of the building but for that we do. It goes on their taxes.; Councilman Reynolds – That’s how we are reimbursed – through their taxes, it’s not a separate check?; Supervisor Miscione – We get a check from the County and the County puts it on their taxes and sends it out. Just to add to that, we went out to bid, Barb can explain that.; ?; Director of Personnel Barbara Schwenzfeier – So we put it out to bid like we do every year, we put it out effective March 1st – March 30th and we only received one and it was from Tom Aceti and who we work with and I think he has done it, won the bid the last two or three years.; Councilman Reynolds – The quality is good, does the minimum required, which we want.; Town Attorney Herbert Cully – I’ve had two attorney’s both contact me, because they’ve represented people buying homes and then when the County bill comes out, three or four months later, tacked on is \$3,000 to \$4,000 lawn maintenance charge. When we do tax searches it doesn’t show up because its not on there at that point. SO how much is he charging to mow?; Supervisor Miscione – we did it per square foot, that’s what we went out to bid for (.02 cents per square foot – Barb); Councilman Reynolds – I don’t think he does it much, maybe twice or three times a year.; Town Attorney Herbert Cully – These were like \$2,000. They are really a significant amount because they would show up on a tax search from the prior year, these are within a year. I just want to call it to your attention because I’ve gotten two complaints as it relates to that. If there is a way to put the public on notice that these services are bring used on certain properties, so if somebody searches the property, they can say ‘hey, if I buy this, I’m going to get hit with this \$2,000 charge?’; Supervisor Miscione – The problem is, we don’t bill the County till October when we’re supposed to so if somebody buys something in September, the only way they are going to know is if they came in and did the search in at the Code Enforcement Agency and say is there any liens or problems or Code problems with the building. That’s the only way their going to find out.; Town Attorney Herbert Cully – I’m wondering if maybe Larry can post on the website the specific properties that we are mowing the lawn on. So, somebody can say well at least its posted on the Town’s webpage.; Supervisor Miscione – Why don’t we have Larry come up with a list, give it the Board and we approve them and Barb can post online. It should be a Board approval – we put online – its in our minutes if someone wanted to FOIL the minutes, they are there. I just don’t want to lose sight of it and then someone say that one wasn’t online, then we are stuck with the bill. So that good then? We’ll bring the lawn maintenance

every month to the meeting and we'll approve it. Barb – can you see if you can put that on Larry, maybe send him an email?; Director of Personnel Barbara Schwenzfeier – sure.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Woodland:

(RESOLUTION NO. 121 OF 2020)

RESOLVED, the Town of New Hartford Town Board does hereby approve Tom Aceti to do the job (Lawn Mowing Maintenance).

The Town Board voted upon roll call, resulting as follows:

- Councilman Messa - Aye
- Councilman Lenart - Aye
- Councilman Reynolds - Aye
- Councilman Woodland - Aye
- Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

B. Discuss Recreation Center Roof Leak (Supervisor Miscione) – Doing some work at the Rec Center – redoing the walls that are down there. The roof back in 2011, the Board at that time, had the roof done for \$78,500 to deal seal coat from a company out in Binghamton. There was a 10-year warranty on it and is not up yet. We still have six months on the warrant. Asking Herb if he can call the company and see if they can come in because it is leaking really bad in multiple places; Town Attorney Herbert Cully – Would like to send a letter to put them on notice first before calls.

C. Highway Superintendent Richard Sherman – Paver/Loading machine is coming in next Wednesday. We are going to start milling Paris Road first then we will go to Mallory Road. Also going after the Water Board for the damages done on the new road, bottom of Snowden Hill Road – 1400 ft. – damage from the excavator, putting the new water main in. Tore the road up bad - \$37,400 worth. Flag pole will be put up next week. Town of New Hartford signs are lite. Foxcroft Road is also on the agenda.; Director of Personnel Barbara Schwenzfeier – when are we going to be opening up the drop offs at the Highway?; Highway Superintendent Richard Sherman – Shredding is Saturday, May 16th, drops off /tags will start Monday, May 18th

D. **Councilman Reynolds** – We talked about the auditor last meeting – we were going to have them come in on an as need basis. I'd like to see them come in on a regular basis, monthly, have them come in. That's better for you, better for us, that we have a formal agreement that they are here on a monthly basis and that they just give us a memo on what they found – everything is ok, then these suggestions. As soon as possible to get started.; Supervisor Miscione – Had a meeting with the auditors today and we spoke about a bunch of things. This is what I'd like them to do is take a look at the fire districts, lighting districts and they are doing our regular audit now anyways. I'd like them to take care of those two districts and set those up for what we budget next year. So, whatever the price is that we have in our contracts, its exactly what it is. If we get LED lighting and stuff, they are going to have to be involved in that, in getting all that data in the correct way for the payments for the Bond for the lighting and distributing it to each district. They can only do '19 and '20 they can't go back any further. It would be a massive amount of money to go back. I don't have any of that data. It wasn't left here from the last supervisor. If anyone know where its is, then I can give it to the auditors. Let's get '19, '20 and '21 in order and going forward. They can't do payroll and bill transfer; we have to do that. Those we have to bring it to the Board and pass them and give to Lisa after pass a Resolution. Bond payments we have to do as well, they have to be wired. They are ready to go and go forward. They will also oversee Lisa's finished work. Also, we spoke about three parcels that had not been started within the time frame. I'd like the Planning Board to be aware of that. I'd like their input on the situation.; Town Attorney Herbert Cully – I'd be happy to carry that forward to the next meeting.

E. **Councilman Reynolds** – We had some emails about refunds that need to be returned for the Park/Pavilion rentals.; Director of Personnel Barbara Schwenzfeier – I have received a few phone calls from people who have reserved the pavilions, asking if they could get a refund because it's the month of May and they don't think anything is going to happen (parties due to COVID-19).; Supervisor Miscione – I think we should refund the pavilion fees until the Governor says its ok and its lifted.; Director of Personnel Barbara Schwenzfeier – what if people call and want a refund for August.; Supervisor Miscione - If you have something going on at the park in 2020, if you want a refund, ok

Councilman Reynolds introduced the following Resolution for adoption and seconded by Woodland:

(RESOLUTION NO. 122 OF 2020)

RESOLVED, the Town of New Hartford Town Board does hereby approve to refund fees paid in 2020 for Park/Pavilion rentals due to the COVID-19 pandemic.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- F. **Councilman Messa** – Sept. 18th meeting we talked about the Oneida Street paving - \$1.2 million was the total – said might be some grants available, funding available to do the paving.; Highway Superintendent Richard Sherman – We got a \$50,000 grant.; Councilman Messa – Are we doing the whole road – when – one section was done – driving through, up to city line is pretty bad.; Highway Superintendent Richard Sherman – City line is under construction right now.; Councilman Messa – starting at the Paris line? Maybe we can take a ride and look.; Highway Superintendent Richard Sherman – trying to do the worst, the first time around – from Kellogg to Oxford Road or City line – Nothing is set in stone yet – working on a schedule.
- G. **Councilman Messa** – Budget items – How are we looking towards our budget as far as sales tax, etc.?.; Supervisor Miscione – looking at first quarter sales tax that’s on the states website, we’re actually up 10%. 2nd quarter is really where we are going to get hurt cause we’ve been closed. Probably going through May – still no plan for reopening in NYS. I’m thinking until June 1st at least until we see anything happening. That’s almost the whole 2nd quarter. Right now, the library is closed too. Going forward, we might have some things in Highway you might not want to do. Saving money by not having the Summer Program – saving money if we don’t open the Splash Park – saving money in the parks. We can’t use Bonding money for daily expenses – that has to go to those projects like the Rec Center – the Gazebo, we already bought the material for that last year, just finishing it. The basketball money, that was money from the Capital project that we had – we were going to finish the basketball court – now finishing it up this year. All projects you see going on, its money we already allocated. Building

permits are going strong and going up. – Saving money on the Senior Center – Bonding money has to be used for those specific projects.; Councilman Messa – I say we monitor things on a monthly basis, look at the figures. Have a plan in place.; Supervisor Miscione – We have a bare bone budget also – one codes officer that is mandated by the State. He’s actually creating revenue for the Town. One Acct. Clerk that we have to have one staff to pay our bills and do our stuff – HR person doing our day-to-day stuff – Town Clerk’s Office – All our departments we have, the only thing we can cut is our equipment. Police is needed more and more because of incidents at stores. Then we have to look at the Highway Dept. – do we cut services to our residents that they paid for and wanted or do we let it go and keep those services. We can’t cut plowing. Only thing we can cut is stuff we already cut. Paving was bonded. If we stop paving, things are going to keep getting worse. No one is spending anything that is not necessary. We’re keeping things going. There is devastation in the county and state wide.; Councilman Messa – what if we are shy \$1 million?; Councilman Lenart – Where is the money going to come from? We have a shortfall – what if worse than everybody thinks it is – we get to Sept. – we run out of money – you’re going to band at that time? You don’t want to lay off or cut services.; Supervisor Miscione – If we cut services, we can lay off but what services do we cut?; Councilman Lenart – That’s the choice – if you want to continue services, you’re going to have to band for it. Technically that’s to pay for the bond. You’re going to have to cut services next year in order to get that back in because if it’s really bad you’re going to have to have a tax increase that they’re going to come out here and drill us. If you think it was bad when it was done for the flooding, you’re going to see worse. Then they will look at us and say there was thing you could have done.; Supervisor Miscione – We’re not continuing on with everything. We’re getting rid of the stuff that isn’t major services. If we get to July, we’re laying everyone off, including us. There is no way to sustain that hit, in our Town, if we get to July. There is no way other states are opening up already on the 28th of April and we’re going to say we’re closed until July. We’re all going through this for the first time, nothing makes sense. I mean three weeks ago, we didn’t have enough nurses, we didn’t have enough people, but now they are laying nurses off. So, what’s going on – nobody knows the true facts that are happening.; Councilman Reynolds – I think the key is we review it monthly, carefully and you keep a detail of all the things that have been cut, can be cut and whatever it comes up to, come July or August we know we have a real good feel of where we stand financially. I think the figure was \$400,000 we’re going to be short.; Supervisor Miscione – Yes, \$400,000 was the number but one thing we should make a decision tonight is because this is something we promised the library, this is a perfect example. We promised them a certain number, we need

to tell them now. We can't wait on that. All the other stuff we can control, the library we can't. So, we need to tell them if we're going to cut them by 50 or 75 or whatever it might be. Again, their closed, their people are on unemployment. We need to say OK Listen, you might not open until June or July but this is the number we're going to cut. I was going to ask the Board to determine that tonight so at least we can give them prior notice so they know how to plan for their fiscal year.; Councilman Reynolds – That's a quarterly check?; Supervisor Miscione – Exactly so we have to make another check. We need to know what we're doing cause that one can't wait. Senior Center, Courts are closed – no money going in or out. Only people getting paid are the judges. They are elected officials; I don't know how that works. The other stuff we cut as we go. Friday is May 1st, lets see where the Gov. goes. If we can get construction workers back in 10-15 days, that will stimulate more building permits and that's going to help us. That could be another \$100,000 in income this year. Woods Trail project is a \$50,000 building permit alone. Mitigation fees, etc. Walmart is open, drive thru, that might stimulate more revenue. We have to see within the next couple weeks. If the Gov. says June 15th, we have to cut and be done with it. At this point, we have to contact the library and let them know where we will be cutting. They have their own Board and own control. We were the first Town to close the Senior Center and do layoffs. If this goes on through the summer, we are going to have make major cuts. For example, if building doesn't come back, we don't need a Codes Officer. We give the library notice of what we want to cut them tonight and then at that point, May 15th lets reconvene and if at that point if you want to start cutting summer services, we cut summer services, if again, we're not open and we're not going to be open until July.; Highway Superintendent Richard Sherman – Repair needed behind Hillside Apts – going to piggy pat off the County with the bid; Library - Paul will send the Library a letter and let them know \$55,000 and see where we are at the end of May.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Woodland:

(RESOLUTION NO. 123 OF 2020)

RESOLVED, the Town of New Hartford Town Board does hereby approve to decrease the Library budget by \$55,000.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa - Aye

Councilman Lenart - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Supervisor Miscione – People are walking in the park without masks, using social distancing, we are ok with that. We have been getting a lot of calls about it. Trying to keep everyone safe and our Town whole. We are buying masks for our departments.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Woodland:

(RESOLUTION NO. 124 OF 2020)

RESOLVED, the Town of New Hartford Town Board does hereby approve to enter into Executive Session.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa - Aye
Councilman Lenart - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Lenart introduced the following Resolution for adoption and seconded by Woodland:

(RESOLUTION NO. 125 OF 2020)

RESOLVED, the Town of New Hartford Town Board does hereby approve to come out of Executive Session.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa - Aye
Councilman Lenart - Aye

Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Lenart introduced the following Resolution for adoption and seconded by Woodland:

(RESOLUTION NO. 126 OF 2020)

RESOLVED, the Town of New Hartford Town Board does hereby approve to authorize Lisa Smigle to take a Municipal Accounting Training Course.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa - Aye
Councilman Lenart - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and duly seconded by Councilman Lenart, the meeting was adjourned at 7:43 P.M.

Respectfully submitted,

CHERYL A. JASSAK-HUTHER
Interim Town Clerk
5/28/2021